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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,571	10/31/2002	James J. Cigelske JR.	ITW7510.030	9745

33647 7590 12/21/2006
ZIOLOKOWSKI PATENT SOLUTIONS GROUP, SC (ITW)
136 S WISCONSIN ST
PORT WASHINGTON, WI 53074

EXAMINER

TRAN, LEN

ART UNIT	PAPER NUMBER
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1725

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
2 MONTHS	12/21/2006	PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/065,571
Filing Date: October 31, 2002
Appellant(s): CIGELSKE ET AL.

MAILED

DEC 21 2006

GROUP 1700

Timothy J. Ziolkowski
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 20, 2006 appealing from the Office action mailed April 11, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

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(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,831,240

KATOOKA et al

11-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Appellant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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3. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katooka et al (US 5,831,240).

As to claims 1, 2, 10, and 17, Katooka et al disclose a welding apparatus and method to assemble the end panel to the base of the welding apparatus comprising the **end panel (100)** having at least one snap with an opening, and **the base (300)** having at least one ramp (312) formed thereon that is generally in alignment with at least one snap (figures 3a-d).

Katooka et al fail to teach the ramp on the end panel. Instead, Katooka teaches the ramp on the base. However, it would have been obvious to one of ordinary skill in the art at the time appellant's invention was made to modify the ramp on either the base or end panel, since either way would result in a snapping, locking, engagement between the ramp and the snap with an opening.

As to claims 3-9, 11-16, and 18-23, Katooka et al disclose at least one snap is U-shape (figure 3), at least one snap comprises a pair of snaps formed at the end of the base and the at least one ramp comprises a pair of ramps formed in the receptacle area of the end panel (figures 3). The receptacle area comprises angled internal lateral surfaces and the base includes angled external sides adapted to interfit in close proximity. At least one ramp formed within the receptacle area of the end panel has an upper surface inclined upwardly in the direction away from the base and ending in a rear vertical wall (figure 3).

(10) Response to Argument

As to page 4, the last paragraph, appellant argues that Katooka et al fail to teach a “ramp” formed on the front panel (100), but merely a through-hole (106) formed therein. Appellant further argues that the “snap” and the “ramp” are both affixed to the chassis (300, base). Examiner respectfully disagrees. The “snap” and “ramp” are not affixed to the chassis (300, base). The “snap” (through-hole 106) is clearly shown in figure 3a of Katooka et al to be on the end panel (100). The “ramp” (projection 312) is clearly shown to be on the base (300). Therefore, appellant’s interpretation of the structure is clearly incorrect.

As to page 5, second paragraph, appellant indicated that examiner has continually insisted that Katooka et al discloses an end panel having a snap with an opening and having one ramp is contrary to the disclosure of the reference. Examiner respectfully disagrees. Katooka et al clearly disclose an end panel (100) having a snap (106) and a base (300) having a ramp (312). Therefore, examiner’s interpretation is consistent with Katooka et al’s disclosure.

As to page 5, 3rd to 5th paragraph, appellant argues that “*the Examiner has admitted that Katooka et al is different, in stating that it is "an opposite of applicant's claimed invention."* However, the Examiner then makes a giant leap in concluding that “[i]t would have been obvious to one of ordinary skill in the art to modify either having the snap on the end panel or the base, since either way, there exists locking between the end panel and base.” Office Action, *supra* at 3-4. Appellant believes the Examiner is overlooking longstanding legal precedent and

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basic rules of patent examination. The structures found in Katooka et al. and in the current claims are not simply "opposites" as claimed by the Examiner. However, even if they were, such is not enough by itself to create a prima facie case of obvious." Furthermore, in 4th paragraph, appellant argues that the "snap" and the "ramp" in Katooka et al are both affixed to the base and therefore is not opposite, but a different structure altogether that is more than a trivial difference.

Examiner respectfully disagrees with appellant regarding to the "snap" and "ramp" being affixed to the base as previously explained above. The snap (106) is located on the end panel (100) and the ramp (312) is located on the base (300) as shown in figure 3A.

Examiner indicated that Katooka et al and appellant's invention are merely an opposite configuration because appellant's invention has the "snap" on the base and the "ramp" on the end panel, whereas Katooka et al teaches the "snap" on the end panel and the "ramp" on the base. One of ordinary skill in the art would have interpreted Katooka et al's interlocking configuration, "snap" on end panel (100) and "ramp" on base (300), would be an opposite configuration of appellant's claimed invention. Therefore, regardless of the "snap" on the base or the end panel, it would have been obvious from Katooka et al that both the "snap" and "ramp" would make contact with each other to provide interlocking means during assembling of the welding power supply device.

As to page 6, 1st paragraph, appellant argues that appellant's invention allows a tool inserted into an opening to push the ramp so it can be unlocked. Katooka et al disclose a cover plate (637), which can be opened (figure 2) and the ramp can be pushed to unlock the base and the end panel.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Len Tran

AU 1725

December 18, 2006



Conferees:

Patrick Ryan



Steve Griffin

